

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Civil Action No. 7:20-cv-00210-BO

DR. YIZHEN “JENNY” SU, D.O.,

Plaintiff

v.

DR. PATRICIA L. MATTO, D.O., DR.
ANDREW M. FREEMAN, D.O., and
SOUTHEASTERN REGIONAL MEDICAL
CENTER

Defendants.

**DEFENDANTS’
PARTIAL MOTION TO DISMISS**

NOW COME Defendants Dr. Patricia L. Matto, D.O., Dr. (“Dr. Matto”), Andrew M. Freeman, D.O. (“Dr. Freeman”), and Southeastern Regional Medical Center (“SRMC”) (collectively, “Defendants”), pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and move the Court to dismiss with prejudice the following claims as set forth more fully in their simultaneously filed Memorandum of Law in Support of Motion to Dismiss:

As to all Defendants:

- Wrongful Termination in Violation of Public Policy premised upon the North Carolina Persons with Disability Protection Act and the FMLA;
- Intentional Infliction of Emotional Distress; and
- Negligent Infliction of Emotional Distress.

As to the Drs. Matto and Freeman, only:

- ADA Discrimination;
- ADA Retaliation;
- ADA Failure to Accommodate; and
- Wrongful Termination in Violation of Public Policy premised upon the North Carolina Equal Employment Protection Act and the ADA.

WHEREFORE, SRMC prays that identified claims against them be dismissed, with prejudice, and that Plaintiff be taxed with the cost of this action, including Defendants' attorney's fees.

This the 28th day of December, 2020.

CRANFILL SUMNER & HARTZOG LLP

By: /s/ Benton L. Toups
BENTON L. TOUPS
N.C. State Bar No. 28910
ELIZABETH C. KING
N.C. State Bar No. 30376
Attorneys for Defendant
Southeastern Regional Medical Center
101 N. 3rd Street, Suite 400
Wilmington, NC 28401
Telephone: (910) 777-6000
Facsimile: (910) 777-6111
E-mail: btoups@cshlaw.com
E-mail: eking@cshlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this, the 28th day of December, 2020, I electronically filed the foregoing **DEFENDANTS' PARTIAL MOTION TO DISMISS** with the Clerk of Court using the CM/ECF system, which will send notifications to each said party as follows:

J. Michael Genest
1610 Highway 70 E.
New Bern, NC 28560
jmg@forgelawgroup.com
Attorney for Plaintiff

CRANFILL SUMNER & HARTZOG LLP

By: /s/ Benton L. Toups
BENTON L. TOUPS
N.C. State Bar No. 28910
ELIZABETH C. KING
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Attorneys for Defendant
Southeastern Regional Medical Center
101 N. 3rd Street, Suite 400
Wilmington, NC 28401
Telephone: (910) 777-6000
Facsimile: (910) 777-6111
E-mail: btoups@cshlaw.com
E-mail: eking@cshlaw.com